IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 29TH AUGUST 2006 / 7TH BHADRA 1928

Bail Appl..No. 5214 of 2006

CRIME NO. 71/2006 OF RAMAMANGALAM POLICE STATION

.....

PETITIONER/ACCUSED

SAJI, AGED 38, S/O.ABRAHAM,
KALLINGAL VEEDU, CHETTIKANDAM BHAGOM,
PAMPAKKUDA KARA, MEMMURY VILLAGE.

BY ADV. SRI.T.A.SHAJI
SMT.RAGAM.S.MOHAN

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR HIGH COURT OF KERALA,
ERNAKULAM (REPRESENTING THE CIRCLE INSPECTOR OF
POLICE, PUTHENCRUZ POLICE STATION).

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/08/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5214/2006

DATED THIS THE 29TH DAY OF AUGUST, 2006

O R D E R

The petitioner is the sole accused, in crime No. 71/2006 of Ramamangalam Police Station, for the offence punishable under Sections 302 and 449 IPC, for committing fratricide on 10.6.2006 at 5.45 p.m, because of the family dispute that was pending between the deceased and the petitioner. He was arrested on the same day and remains in judicial custody, thereafter. Hence this application, under Section 439 Cr.P.C.

2. The investigation is complete so far as the petitioner is concerned, as he had been interrogated by the Investigating Officer. However, the learned Public Prosecutor submitted that the main witness in the case is the mother of the deceased as well as the petitioner. If the petitioner is released, he would surely attempt to influence the mother or threaten her. Therefore, opposed of giving an order, under Section 439 Cr.P.C.

3. Considering the facts of this case, including the duration of the judicial detention, I grant bail and release the petitioner from jail, subject to the following conditions:-

(a). The petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class, Kolencherry.

(b). Immediately on release, the petitioner shall report before the S.H.O of Ramamangalam police station. From there, he shall proceed out of the limit of Ramamangalam police station and he shall not enter that police station limit, until the final trial and disposal of the Sessions Case.

(c). The petitioner shall report his place of residence, during the above period, to the Investigating Officer, and he shall also report to the S.H.O of the police station within which limit he would reside, during bail.

(d). The petitioner shall not interfere with the further investigation or threaten the witnesses or attempt to influence them or cause any hindrance to the smooth conduct of the Sessions Case.

(e). The petitioner shall not leave the Sessions Division of Ernakulam, till the final disposal of the Sessions Case.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs